

INTRODUCED: 11/09/2009

REFERRED TO: Metropolitan Development Committee

SPONSOR: Councillors B. Mahern, Lewis, Sanders, D. Mahern, Hunter, Smith, Mansfield and Malone

DIGEST: urges the General Assembly and Governor to grant additional authority to the Council to review and approve all tax abatements, postpone consideration of tax abatements and zoning changes, and review and approve any real estate acquisition by the Metropolitan Development Commission in excess of \$25,000

SOURCE:

Initiated by: Councillor B. Mahern

Drafted by: Aaron E. Haith, Democrat Caucus Counsel

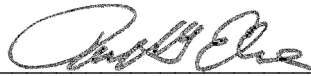
LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____



Date: November 4, 2009

CITY-COUNTY COUNCIL SPECIAL RESOLUTION NO. _____, 2009

A PROPOSAL FOR A SPECIAL RESOLUTION encouraging the Indiana General Assembly and the Governor to make appropriate changes in state statute to grant additional authority to the Indianapolis-Marion County Council to review and approve all property tax abatements; postpone consideration of property tax authorized abatements and zoning changes; and review and approve any real estate property acquisition to be made by the Metropolitan Development Commission that is in excess of \$25,000.00 in fair market value.

WHEREAS, the granting of property tax abatements and acquiring real estate property can be useful tools to encourage, facilitate and provide for economic development in Indianapolis and Marion County; and

WHEREAS, the Metropolitan Development Commission serves as the Economic Development Commission for Marion County and currently has authority to grant property tax abatements pursuant to IC 6-1.1-12.1, *et seq.* authorize the acquisition of real estate for the purposes of economic development pursuant to IC 36-7-15.1-12; and

WHEREAS, currently the Indianapolis-Marion County Council has authority to review and approve tax abatements only in certain types of economic development areas, such as Tax Increment Finance (TIF) districts, pursuant to IC 36-7-15.1-9; and

WHEREAS, local fiscal bodies in Indiana's other 91 counties have authority to review and approve all property tax abatements affecting property within their jurisdiction; and

WHEREAS, the Indianapolis-Marion County Council approves real estate purchases pursuant to IC 36-1-10.5; and

WHEREAS, the Metropolitan Development Commission can authorize the acquisition of real estate property without the approval of the Indianapolis City-County Council pursuant to IC 36-7-15.1; and

WHEREAS, property tax abatements and real estate property acquisitions authorized by the Metropolitan Development Commission may require the commitment, encumbrance or expenditure of general tax dollars, and/or increase the property tax burden of other property taxpayers, and/or reduce property tax revenue caused by the conversion of private real estate property that pays property taxes to publicly held real estate property that does not pay property taxes; and

WHEREAS, many governmental entities, such as public schools within Marion County, depend on property tax revenue for their operation; and

WHEREAS, Indianapolis-Marion County taxpayers deserve adequate protection of their tax dollars, as affected by property tax abatements and real estate acquisitions authorized by the Metropolitan Development Commission; and

WHEREAS, review by elected officials casting public votes provide the best protection for property taxpayers and property tax revenues affected by property tax abatements and real estate acquisitions; and

WHEREAS, the Metropolitan Development Commission, which currently grants property tax abatements and can authorize the acquisition of real estate property in Marion County, is composed solely of appointed members, who are not elected by the voters of Indianapolis-Marion County; and

WHEREAS, the Indianapolis-Marion County Council, which is composed of officials elected by voters of Indianapolis-Marion County, serves as the fiscal body of Indianapolis and Marion County and has authority to review and approve annual budgets, appropriations and debt issuances by various governmental entities in Marion County, including the City of Indianapolis pursuant to IC 36-3-4-18(1); and

WHEREAS, the votes cast by individual members of the Indianapolis-Marion County Council are matter of public record and inspection; and

WHEREAS, favorable recommendations from the Metropolitan Development Commission for changes to zoning maps be may be reviewed by majority vote of the Indianapolis-Marion County Council pursuant to IC 36-7-4-608; and

WHEREAS, if the Indianapolis-Marion County Council fails to act upon favorable recommendations on zoning changes from the Metropolitan Development Commission, prior to 30 days after the favorable recommendations on zoning changes are certified pursuant to IC 36-7-4-609, the zoning changes in question take effect as if they had been approved by the Indianapolis-Marion County Council; and

WHEREAS, the consent of the Metropolitan Development Commission or the petitioning parties is required in order for the Indianapolis-Marion County Council to postpone consideration of the zoning maps changes beyond 30 days from certification; and

WHEREAS, it may be necessary from time to time due to reasonable circumstances for the Indianapolis-Marion County Council to postpone, without the approval of the Metropolitan Commission or the petitioning parties, consideration of tax abatement and zoning map changes that come before Indianapolis-Marion County Council for review and approval; now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis-Marion County Council believes it should be vested, just as the fiscal bodies in Indiana's other 91 counties are, with authority to protect taxpayers and property tax revenue through a review and approval of property tax abatements approved by the Metropolitan Development Commission, and any real estate acquisition authorized by Metropolitan Development Commission that has a fair market value in excess of \$25,000.00.

SECTION 2. The Indianapolis-Marion County Council believes it should have authority to postpone or otherwise continue matters that come before it regarding review and approval of zoning map changes and property tax abatements.

SECTION 3. The Indianapolis-Marion County Council encourages the Indiana General Assembly and Governor to make appropriate changes in state statute to grant the Indianapolis-Marion County Council the authority to review and approve all property tax abatements in Marion County, any real estate property acquisition, in excess of a fair market value of \$25,000.00, authorized by Metropolitan

Development Commission, and permit the Indianapolis-Marion County Council to postpone consideration of zoning map changes and/or property tax abatements matters by a majority vote of the Indianapolis-Marion County Council while still preserving the ability of the Indianapolis Marion-County Council to review and approve the same.

SECTION 4. The Clerk of the Council is hereby directed to transmit a true and correct copy of the adopted resolution to the Governor of the State of Indiana and to all members of the Indiana State Legislature.

SECTION 5. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 6. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

The foregoing was passed by the City-County Council this ____ day of _____, 2009, at ____ p.m.

ATTEST:

Bob Cockrum
President, City-County Council

Melissa Thompson
Clerk, City-County Council

Presented by me to the Mayor this ____ day of _____, 2009, at 10:00 a.m.

Melissa Thompson
Clerk, City-County Council

Approved and signed by me this ____ day of _____, 2009.

Gregory A. Ballard, Mayor